



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD) No.11043 of 2015

Kalammal

... Petitioner

Vs.

1. The District Collector,
Virudhunagar,
Virudhunagar District.

2. The District Revenue Officer,
District Revenue Office,
Virudhunagar,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to forthwith to release the vehicle bearing Registration No.TN 67 AM 9442 to the petitioner.

For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mr.M.Murugan

Government Advocate

O R D E R

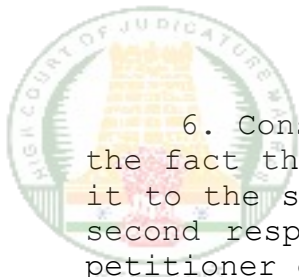
This Writ Petition has been filed for a Writ of Mandamus directing the respondents to release the vehicle bearing Registration No.TN 67 AM 9442 to the petitioner.

2. Mr.M.Murugan, learned Government Advocate takes notice for the respondents.

3. The case of the petitioner is that she is a widow and her husband purchased a TATA ACE vehicle bearing Registration No.TN 67 AM 9442 during his life time, on 02.05.2013, under hypothecation with TATA Motors Finance Limited and he was earning his livelihood as a load man-cum-driver-cum-owner. In these circumstances, he died on 19.05.2015. After the demise of her husband, the petitioner enquired about the said vehicle and she came to know that the said vehicle was seized by C.S.C.I.D Police, Virudhunagar in connection with the criminal case in Crime No.187 of 2015. But the petitioner's husband is not an accused in the said case and some third party had taken the said vehicle without the knowledge of her husband and used the vehicle in a criminal act and the prime accused in the criminal case was already arrested and the petitioner has not been informed from the office of the respondents regarding the seizure of the vehicle. Hence, she has come forward with the present writ petition.

4. The learned counsel for the petitioner produced the copy of the order passed by this Court in the matter of similar nature in W.P. (MD). No.5202 of 2015 and submitted that by imposing the same conditions imposed in the said order, directions would be given to the respondents to release the vehicle.

5. The learned Government Advocate has not refuted the said submission of the learned counsel appearing for the petitioner. However, he prayed this Court that stringent conditions may be imposed for stopping such occurrence.



6. Considering the facts and circumstances of the case and in view of the fact that the vehicle in question is kept without any use by exposing it to the sun and the rain, it would certainly lose its value, hence, the second respondent is directed to release the vehicle in question to the petitioner on the following conditions:-

"(i) The petitioner shall produce necessary documents before the second respondent to establish the ownership of the vehicle of her husband in question;

(ii) The petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) with the second respondent;

(iii) The petitioner shall give an undertaking that she will not use the vehicle or any other vehicle for any illegal activities and also she will not indulge in such activities in future ;

(iv) The vehicle shall be produced to the second respondent as and when required.

After fulfilling all the four conditions, the second respondent shall release the vehicle in question to the petitioner with a specific condition that she shall not alienate or encumber the vehicle in question till the disposal of the proceedings before the authorities concerned. It is also made clear that it is open to the authorities to take appropriate action against the petitioner, in case, she violates any one of the conditions stipulated in this order.

With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

The Assistant Registrar(crl.side)

/True copy/

Sub-Assistant Registrar

To

1. The District Collector,
Virudhunagar,
Virudhunagar District.

2. The District Revenue Officer,
District Revenue Office,
Virudhunagar,
Virudhunagar District.

+1cc to Mr.N.Dilip Kumar, Advocate SR.No.44232
+1cc to special Government Pleader SR.No.43987

akv

sm:GSV:Pm:21.8.2015:3P/5C

W.P. (MD) No.11043 of 2015
03.08.2015